



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/798,203

03/11/2004

Haupt Rainer

11371-20

6176

7590

09/19/2006

Craig Summerfield
Brinks Hofer Gilson & Lione
Suite 3600
455 N. City Front Plazat Drive
Chicago, IL 60126

EXAMINER

KAO, CHIH CHENG G

ART UNIT

PAPER NUMBER

2882

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/798,203	Applicant(s) RAINER, HAUPL	
	Examiner Chih-Cheng Glen Kao	Art Unit 2882	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-13 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-5, 7-9, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holzermer et al. (DE 4325526) in view of Schmitt (DE 4311702).
2. Regarding claims 1 and 11, Holzermer et al. discloses a system comprising a holder including a mounting device (figure, #1), and a support arm (figure, #4) secured to the mounting device, such that a source (figure, #8) is secured, rotatably (abstract, lines 3-4) about a substantially horizontal axis (figure, #10), to the support arm, wherein a lower edge (figure, #2) of the mounting device (figure, #1) and a lower edge (figure, at #3) of the support arm (figure, #4) are disposed vertically below the horizontal axis of rotation (figure, #10) of the source (figure, #8), and wherein the horizontal axis of rotation (figure, #10) of the source is positioned on the support arm such that a lower edge (figure, lower edge of the bottom half of #8) of the source is disposed below the lower edge of the support arm (figure, at #3) and the lower edge of the mounting device (figure, #2), necessarily independently of a source angle of rotation about the horizontal axis (i.e., when a lower edge of the bottom half of #8 remains below the edge at #3).

However, Holzermer et al. fails to disclose a ceiling holder for an x-ray source.

Schmitt teaches a ceiling holder (figure, #1, 4, and 5) for an x-ray source (figure, #3).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to include the system of Holzermer et al. with the ceiling holder of Schmitt, since one would have been motivated to make such a modification for more maneuverability (figure, #1, 4, and 5) while saving floor space as implied from Schmitt.

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to include the system of Holzermer et al. with the x-ray source of Schmitt, since one would have been motivated to make such a modification to more easily diagnosis non-invasively, thereby reducing damage to the patient in comparison to invasive procedures.

3. Regarding claim 2, Holzermer et al. further discloses wherein the support arm comprises a substantially right angled bend (figure, bend between #3 and 9).

4. Regarding claims 3 and 4, Holzermer et al. further discloses wherein the support arm (figure, #4) is secured horizontally to the mounting device (figure, #1), and wherein the support arm is secured rotatably (paragraph 7, lines 3-4, and as evidenced by the bearings adjacent to #2 in the figure) to the mounting device.

5. Regarding claims 5 and 13, Schmitt further teaches wherein a mounting device is substantially vertically adjustable (figure, #1).

6. Regarding claim 7, Holzermer et al. further discloses wherein a line extension of the horizontal axis of rotation (figure, #10) of the source extends through the mounting device (figure, #1).

7. Regarding claim 8, Holzermer et al. further discloses wherein a line extension of the horizontal axis of rotation (figure, #10) of the source extends laterally to a vertical side (figure, side of #1) of the mounting device.

8. Regarding claim 9, Holzermer et al. as modified above suggests the system as recited above.

However, Holzermer et al. fails to disclose wherein a line extension of a horizontal axis of an x-ray source, that extends laterally to a vertical side of a mounting device, is parallel to lines extending along each of two side edges of the x-ray source, and wherein one of the lines of one of the two side edges of the x-ray source extends on one vertical side of the mounting device and the other line of the other side edge extends on another vertical side of the mounting device.

Schmitt teaches wherein a line extension of a horizontal axis (figure, axis through the top circle on the front face of #3) of an x-ray source (figure, #3), that extends laterally to a vertical side of a mounting device (figure, #1), is parallel to lines extending along each of two side edges (figure, right and left edges of #3) of the x-ray source (figure, #3), and wherein one of the lines (figure, at the right edge of #3) of one of the two side edges of the x-ray source extends on one vertical side (figure, right vertical side of #1) of the mounting device and the other line (figure, at

Art Unit: 2882

the left edge of #3) of the other side edge extends on another vertical side (figure, left vertical side of #1) of the mounting device.

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to include the system of Holzermer et al. with the lines of Schmitt, since one would have been motivated to make such a modification for a more symmetric and balanced system (figure) as shown by Schmitt, which would avoid additional torsion loads.

9. Regarding claim 12, Schmitt further teaches wherein the supporting platform is moveable (figure, via #5).

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holzermer et al. and Schmitt as applied to claim 1 above, and further in view of Horbaschek (US 2002/0118793).

Holzermer et al. as modified above suggests a system as recited above.

However, Holzermer et al. fails to disclose wherein a ceiling holder is rotatable about a substantially vertical axis.

Horbachek teaches wherein a ceiling holder is rotatable about a substantially vertical axis (fig. 4 and paragraph 25, lines 6-9).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to include the system of Holzermer et al. with the rotatable holder of Horbachek, since one would have been motivated to make such a modification for more maneuverability (figs. 1-5) as implied from Horbachek.

Allowable Subject Matter

11. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter.

Regarding claim 10, prior art fails to disclose or fairly suggest a support system for an x-ray source, including wherein a line extension of a horizontal axis of rotation of an x-ray source, that extends laterally to a vertical side of a mounting device, is parallel to lines extending along each of two side edges of the x-ray source, and wherein one of the lines of one of the two side edges of the x-ray source extends on one vertical side of the mounting device and the other line of the other side edge extends through the mounting device, in combination with all the limitations in the claim.

Response to Arguments

12. Applicant's arguments, see page 7, last paragraph, filed June 23, 2006, with respect to the rejection(s) of claim(s) 1-4 and 6-12 under 35 USC 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of at least Holzermer et al. and Schmitt as recited above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Cheng Glen Kao whose telephone number is (571) 272-2492. The examiner can normally be reached on M - F (9 am to 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Chih-Cheng Glen Kao
Examiner
Art Unit 2882